

**MEMORANDUM**

**TO:** Board of Zoning Adjustment

**FROM:** Jennifer Steingasser, Deputy Director Development Review & Historical Preservation

**DATE:** May 4, 2012

**SUBJECT:** Preliminary Report on Zoning Commission Case No. 12-03, a Consolidated Planned Unit Development and Related Zoning Map Amendment on Square 5113 Lot 0806

**I. PETITION**

On February 25, 2012, Asmara LLC filed a petition with the Office of Zoning requesting Zoning Commission approval of a consolidated planned unit development on undeveloped lot 0806 on Square 5113 with a related zoning map amendment to change the current zone district from Residence (R-5-A) to Community Business District (C-2-A).

**II. RECOMMENDATION**

The Office of Planning (OP) *does not support* setting down this application for a public hearing because this request is inconsistent with the 2010 District of Columbia Comprehensive Generalized Land Use and Policy Maps. The application is also unclear and incomplete.

**III. SITE AND AREA DESCRIPTION**

Address:	Kenilworth Avenue NE
Legal Description:	Square 5113 Lot 0806
Ward:	7D
Lot Characteristics:	The subject tax lot has an irregular shape that encompasses 108,700 square feet (nearly 2.5 acres) of undeveloped wooded property with no frontage on any public street or right-of-way (reference Exhibit 1). The site is approximately 1,500 feet from the Washington Metropolitan Transit Authority (WMATA) Deanwood Metro station on the Blue and Orange rail lines (reference Exhibit 4).
Existing Development:	A portion of the property appears to be used for temporary storage.
Zoning:	R-5-A – one-family row dwellings are allowed by special exception approval in accordance with § 353 but office and retail uses are not allowed as a matter of right or by special exception.
Historic District:	None.



Adjacent Properties:	To the northeast are the District jurisdiction line and Prince George's County beyond; the Kenilworth Aquatic Gardens is to the northwest across Anacostia Avenue NE; to the southeast are the three-story Ken Park Apartments and the Far East Dinner that front Kenilworth Avenue; and to the southwest are the three-story Kenilworth Parkside apartments and the Kenilworth-Parkside Recreation Center that are accessed from Quarles Street.
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#### IV. APPLICATION IN BRIEF

**Proposal:** Asmara LLC, the petitioner and presumed property owner,<sup>1</sup> proposed to construct approximately 152,000 square feet of mixed use development on the subject property. This development would consist of following components based on the submitted plans:

- 100,000 feet of residences in the form of 39 four-story row dwellings, each with five-bedrooms and a one-car garage on the ground floor;<sup>2</sup>
- 38,265 square feet of office space; and
- 13,430 square feet of retail pharmacy (reference Exhibit 2).

The application indicates that the dwelling units would be 100% affordable "... consistent with the standards set forth in Chapter 26 of the Zoning Regulations." Each unit would have a garage parking space access from an interior driveway network. Both of the non-residential components would be in a single four-story building in the southeast corner of the site.

One hundred and twenty vehicle parking spaces would be provide for the non-residential uses. Access to the site and parking area would be provided by a service road that would extend north from Kenilworth Avenue NE.

The application also requests unspecified relief from setback, floor area ratio (FAR) requirements, and allowable use limitation. It is not clear what FAR relief would be required because the proposed FAR is within that allowed as a matter of right in the C-2-A district. The proposed parking area and vehicular access would be located on properties outside the boundary of the PUD boundaries, properties that also do not appear to be under the ownership of the applicant. These are several of the issues with this application raised by OP, but the applicant did not respond to invitations from the Office of Planning (OP) for a meeting.

#### V. ZONING

All lots on Square 5113 are in an R-5-A district. As outlined in the comparison table below, C-2-A zoning would increase the allowable height, density and allowable FAR.

	R-5-A Requirement	C-2-A Requirement	C-2-A PUD Requirement	Proposal
<b>Height</b>	40 feet	50 feet	65 feet	UNKNOWN
<b>Floor Area Ratio</b>	--	2.50 / 1.00 <sup>3</sup>	3.00 / 2.00 <sup>3</sup>	1.72
<b>Lot Occupancy</b>	40-60 %	60 %	SAME	43%
<b>Retail and Office Uses</b>	Not allowed	Allowed	Allowed	Mixed Residence, Retail and Office

<sup>1</sup> DC land records list Tikue Finance, Inc. as the property owner although the application lists Asmara LLC

<sup>2</sup> each with approximately 2,560 square feet of gross floor area

<sup>3</sup> total allowable floor area ratio for either apartment or other residence or school uses / other permitted uses

The mixed-use residential and commercial development would be allowed in a C-2-A district but not in an R-5-A district, although the residential component as proposed could be allowed by special exception approval in accordance § 353.

## VI. COMPREHENSIVE PLAN

The 2010 Comprehensive Plan Future Land Use Map designates Square 5113 for Moderate Density Residential, which is characterized by a mix of single-family homes, two-four unit buildings, row houses, and low-rise apartment buildings as the predominant uses (reference Exhibit 4).

While a small amount of non-residential development mainly serving the immediate neighborhood may be considered not inconsistent with a residential designation, the proposal includes a significant amount of both retail and office space. Rather than complementing the surrounding residential character, OP is concerned that this would compete with existing areas designated for commercial or mixed uses in the vicinity.

The 2010 Comprehensive Plan Policy Map shows all properties on the square as part of a larger Neighborhood Enhancement Area (reference Exhibit 5). This indicates that this area presents an opportunity for compatible small-scale infill development, and land uses reflecting the community's historical mixture and diversity.

The Comprehensive Plan also provides the following guidance that is pertinent in this case:

- There is the following guiding principle for creating successful neighborhoods:

*The residential character of neighborhoods must be protected, maintained and improved. Many District neighborhoods possess social, economic, historic, and physical qualities that make them unique and desirable places in which to live. These qualities can lead to development and redevelopment pressures that threaten the very qualities that make the neighborhoods attractive. These pressures must be controlled through zoning and other means to ensure that neighborhood character is preserved and enhanced [218.1].*

- The Land Use Element of the Plan lists the following among the critical land use issues facing the District of Columbia:

- Policy LU-1.4.1: Infill Development

*Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern [307.5].*

- Policy LU-2.3.1: Managing Non-Residential Uses in Residential Areas

*Maintain zoning regulations and development review procedures that: (a) prevent the encroachment of inappropriate commercial uses in residential areas; and (b) limit the scale and extent of non-residential uses that are generally compatible with residential uses, but present the potential for conflicts when they are excessively concentrated or out of scale with the neighborhood [311.3].*

- Policies in The Far Northeast and Southeast Area Element include:

- Policy FNS-1.1.2: Development of New Housing

*Encourage new housing for area residents on vacant lots and around Metro stations within the community, and on underutilized commercial sites along the area's major avenues. Strongly encourage the rehabilitation and renovation of existing housing in Far Northeast*

*and Southeast, taking steps to ensure that the housing remains affordable for current and future residents [1708.3].*

- Policy FNS-1.1.4: Retail Development

*Support the revitalization of the neighborhood commercial areas listed in Policy FNS-1.1.3 with new businesses and activities that provide needed retail services to the adjacent neighborhoods and that are compatible with surrounding land uses [1708.5].*

- Policy FNS-2.2.4: Deanwood Metro Station

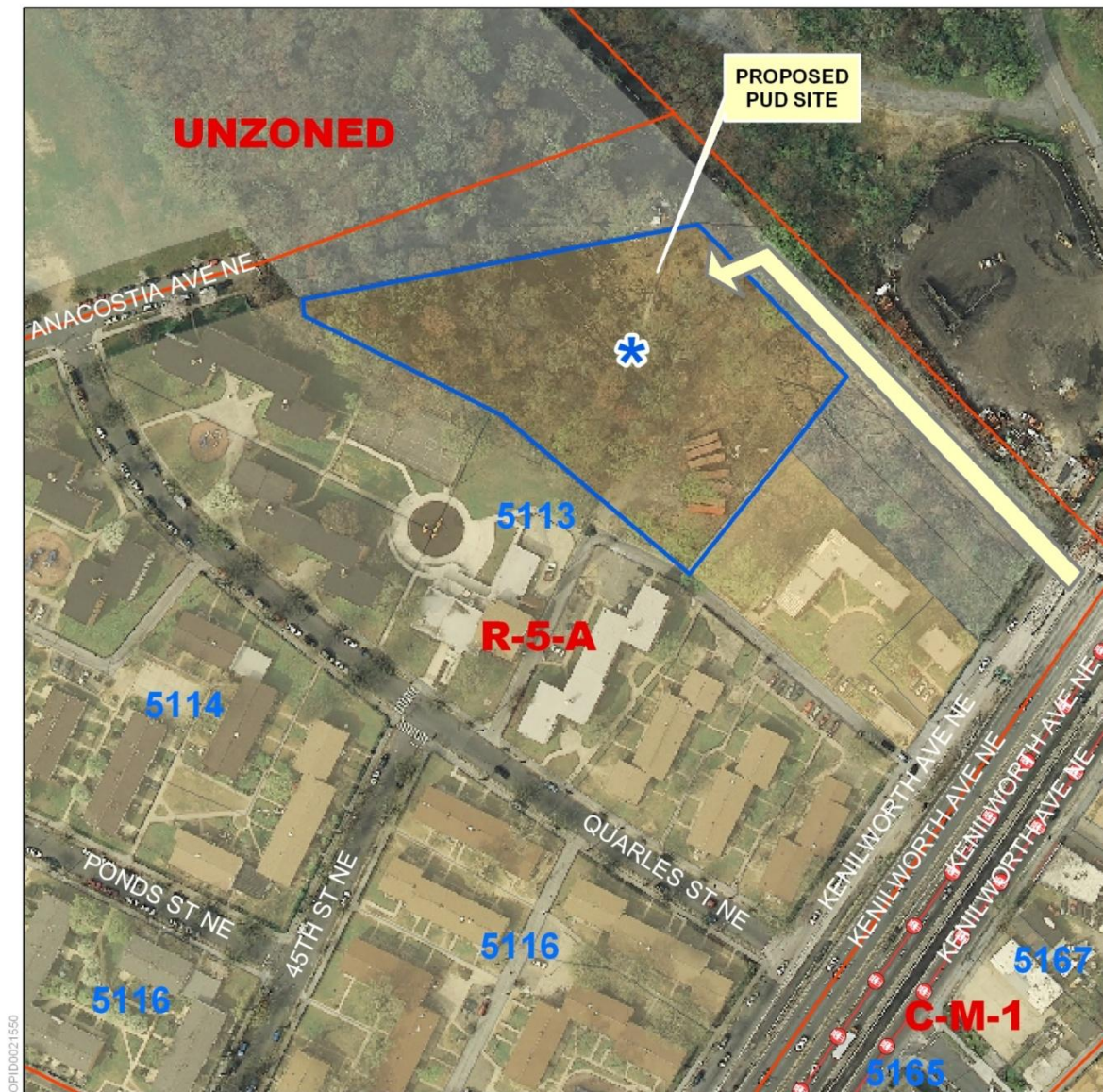
*Provide for new moderate density housing in the vicinity of the Deanwood Metrorail Station, and expanded neighborhood-serving commercial uses along Kenilworth Avenue NE. Ensure that appropriate buffers are provided between new development and the adjacent residential areas. [1712.8].*

The current R-5-A district on the subject property is not inconsistent with the Moderate Density Residential land use designation. The current zone district would allow the residential component of this proposal to proceed subject to special exception approval. Rezoning this property to C-2-A would be inconsistent with the current land use designation and would allow commercial uses inconsistent the established community character and in competition with established commercial corridors. This is particularly the case given the uncertainty about aspects of the proposal. OP is also concerned that the property has no access to a public street or right-of-way; and much of the private property involved in this project does not appear to be owned or controlled by the applicant (reference Exhibit 3)

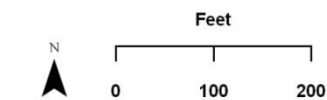
## **VII. RECOMMENDATION**

Section 6-641.02 of the District of Columbia Official Code states that zoning maps, zoning regulations and any amendments thereto *shall not* be inconsistent with the adopted Comprehensive Plan. Accordingly the Office of Planning does not support setting down this rezoning petition for a public hearing.

JS/afj  
Arthur Jackson, Case Manager



Zoning Commission Case No. 12-03  
Proposed Planned Unit Development Site



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District of Columbia  
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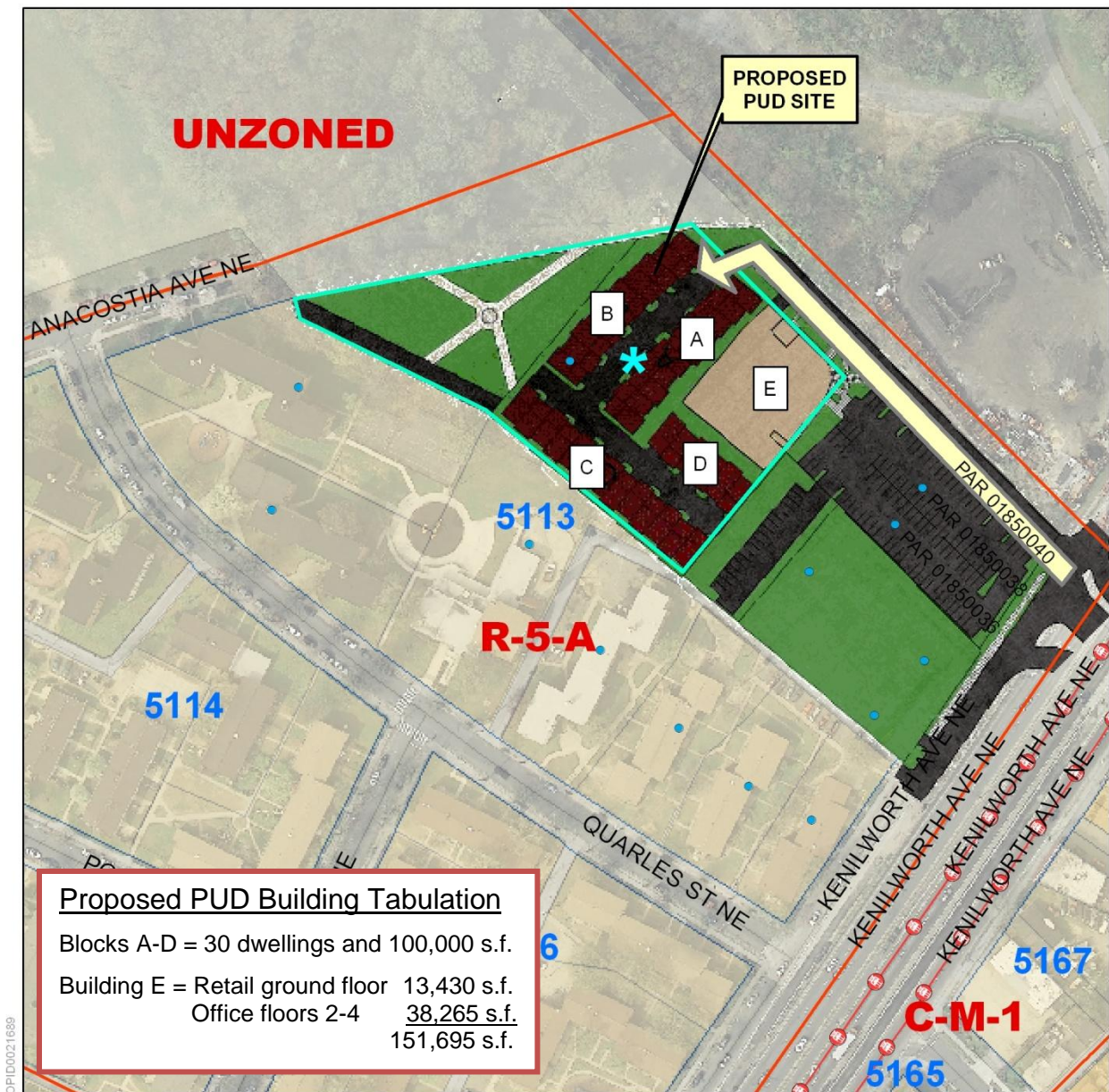
Office of Planning ~ March 22, 2012

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**Legend**

- Metro Bus Routes
- Zoning Districts
- Tax Lots
- Record Lots
- Street Centerlines

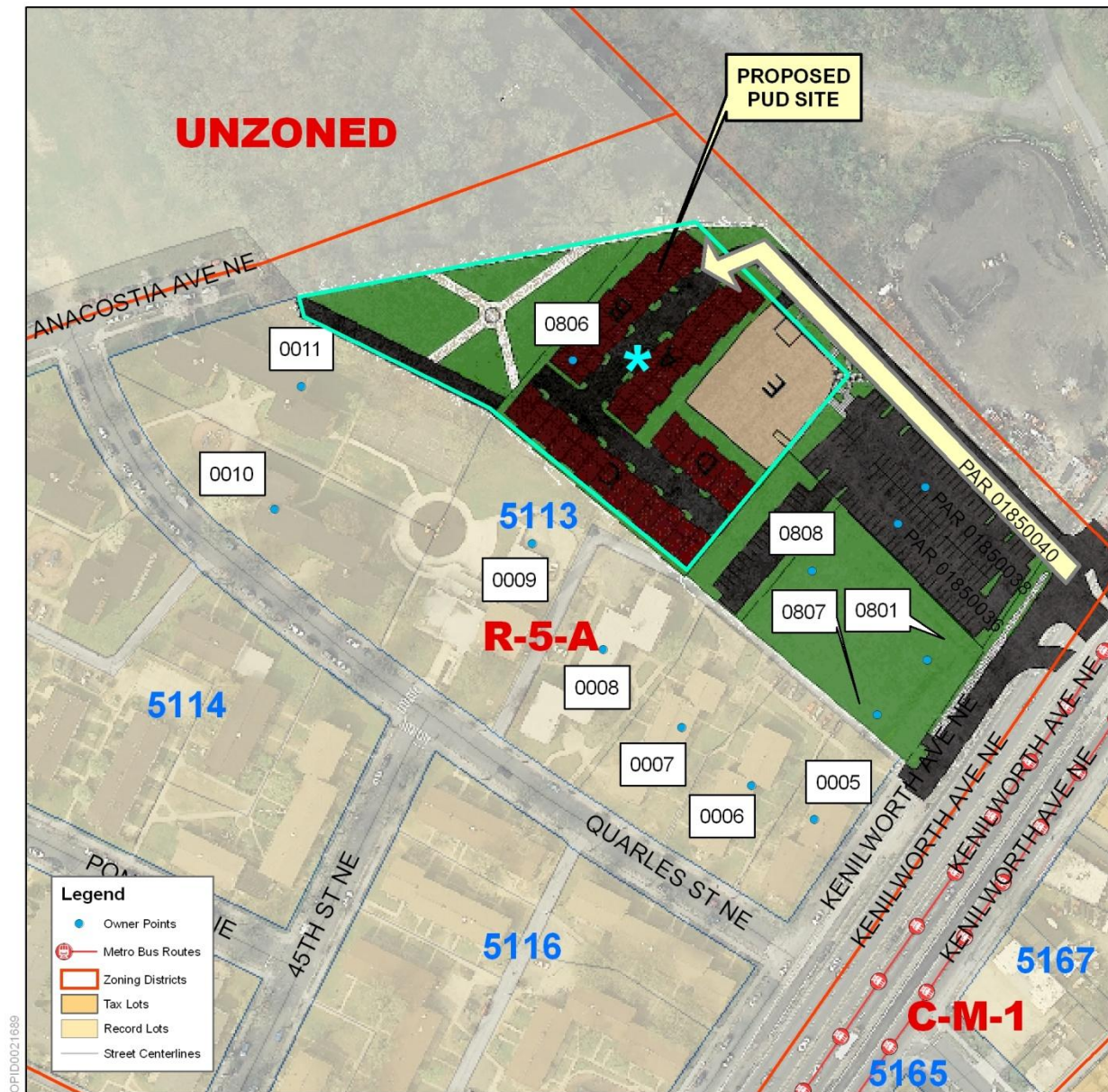




# Zoning Commission Case No. 12-03 Vicinity Property Ownership







### Zoning Commission Case No. 12-03 Vicinity Property Ownership



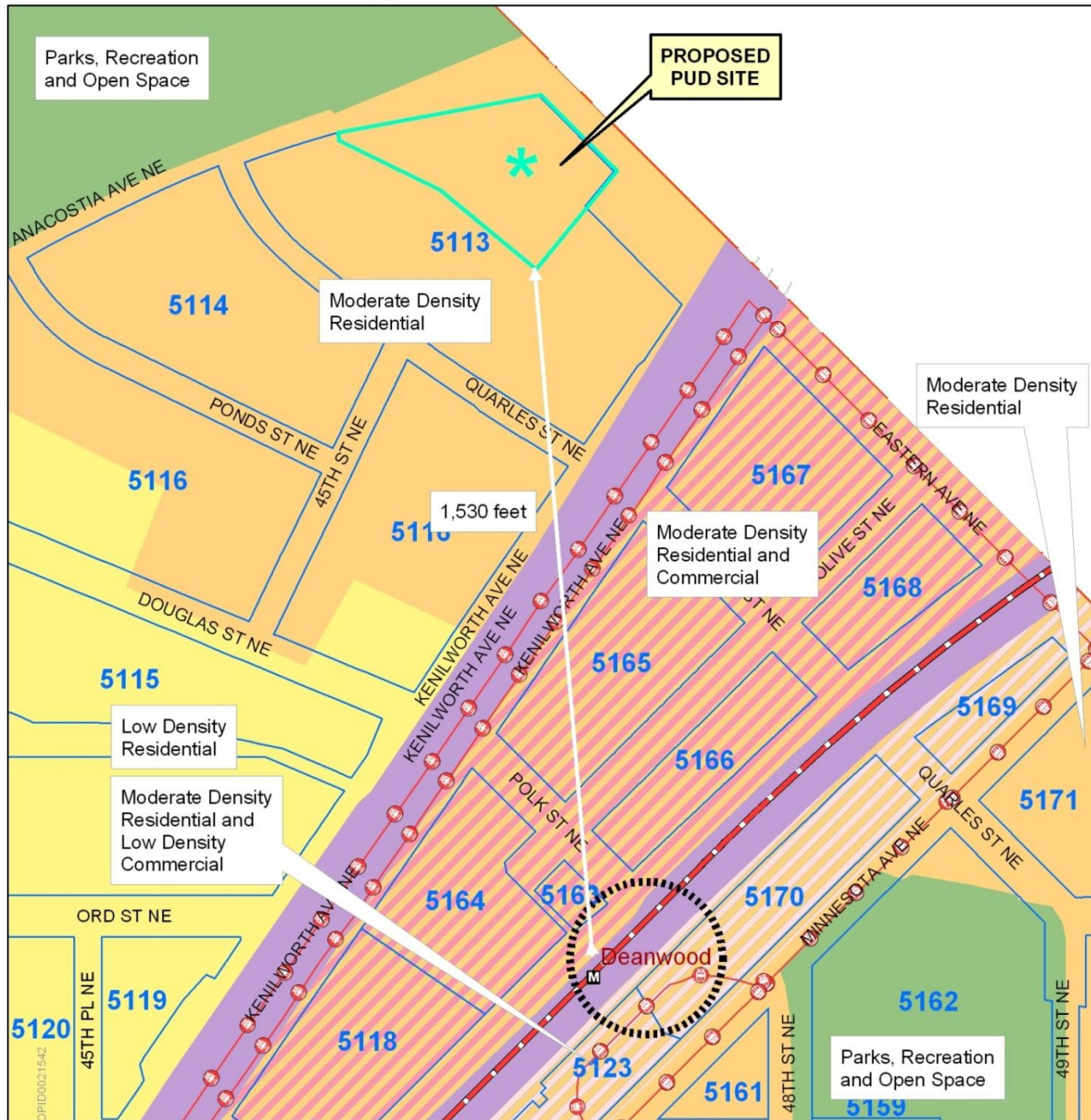
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Office of Planning ~ April 27, 2012

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NO	SSL	USE/PROPTYPE	LANDAREA	PREMISEADD	OWNERNAME
1	5113 0005	029 RESIDENTIAL-MULTI FAMILY	15,386	4550 - 4556 QUARLES ST NE	UNITED STATES OF AMERICA
2	5113 0006	021 RESIDENTIAL-MULTI FAMILY	20,301	4530 - 4548 QUARLES ST NE	UNITED STATES OF AMERICA
3	5113 0007	021 RESIDENTIAL-MULTI FAMILY	23,698	4510 - 4528 QUARLES ST NE	UNITED STATES OF AMERICA
4	5113 0008	021 RESIDENTIAL-MULTI FAMILY	28,971	4500 - 4508 QUARLES ST NE	UNITED STATES OF AMERICA
5	5113 0009	051 COMMERCIAL	43,182	4500 QUARLES ST NE	UNITED STATES OF AMERICA
6	5113 0010	021 RESIDENTIAL-MULTI FAMILY	34,196	4404 QUARLES ST NE	KENILWORTH PARKSIDE RESIDENT
7	5113 0011	021 RESIDENTIAL-MULTI FAMILY	49,505	4400 QUARLES ST NE	MANAGEMENT CORPORATION
8	5113 0801	021 RESIDENTIAL-MULTI FAMILY	7,954	1620 KENILWORTH AV NE	
9	5113 0806	093 GARAGE/UNIMPROVED LAND	108,700	KENILWORTH AV NE	TIKUE FINANCE INC
10	5113 0807	041 COMMERCIAL	2,360	1612 KENILWORTH AV NE	YONG W YUN
11	5113 0808	021 RESIDENTIAL-MULTI FAMILY	38,230	1624 - 1628 KENILWORTH AV NE	KENILWORTH PARKSIDE RESIDENT
12	PAR 01850036	191 GARAGE/UNIMPROVED LAND	14,602	KENILWORTH AV NE	CAFRIITZ CONSTRUCTION COMPANY
13	PAR 01850038	191 GARAGE/UNIMPROVED LAND	14,166	KENILWORTH AV NE	KENILWORTH PARKSIDE RESIDENT
14	PAR 01850040	191 GARAGE/UNIMPROVED LAND	24,156	KENILWORTH AV NE	MANAGEMENT CORPORATION





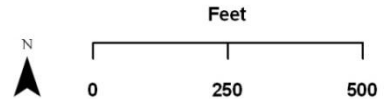
# Zoning Commission Case No. 12-03 Vicinity Comprehensive Plan Land Use Designations



## Legend

- M Metro Stations (Regional)
- Metro Lines
- Metro Bus Routes
- Zoning Districts
- Tax Lots
- Record Lots

Selection from 2011 Comp Plan Land Use  
ALLCODES  
CLD, RMOD  
CMOD, RMOD  
PROS  
PROTECH  
RLD  
RMO  
Street Centelines

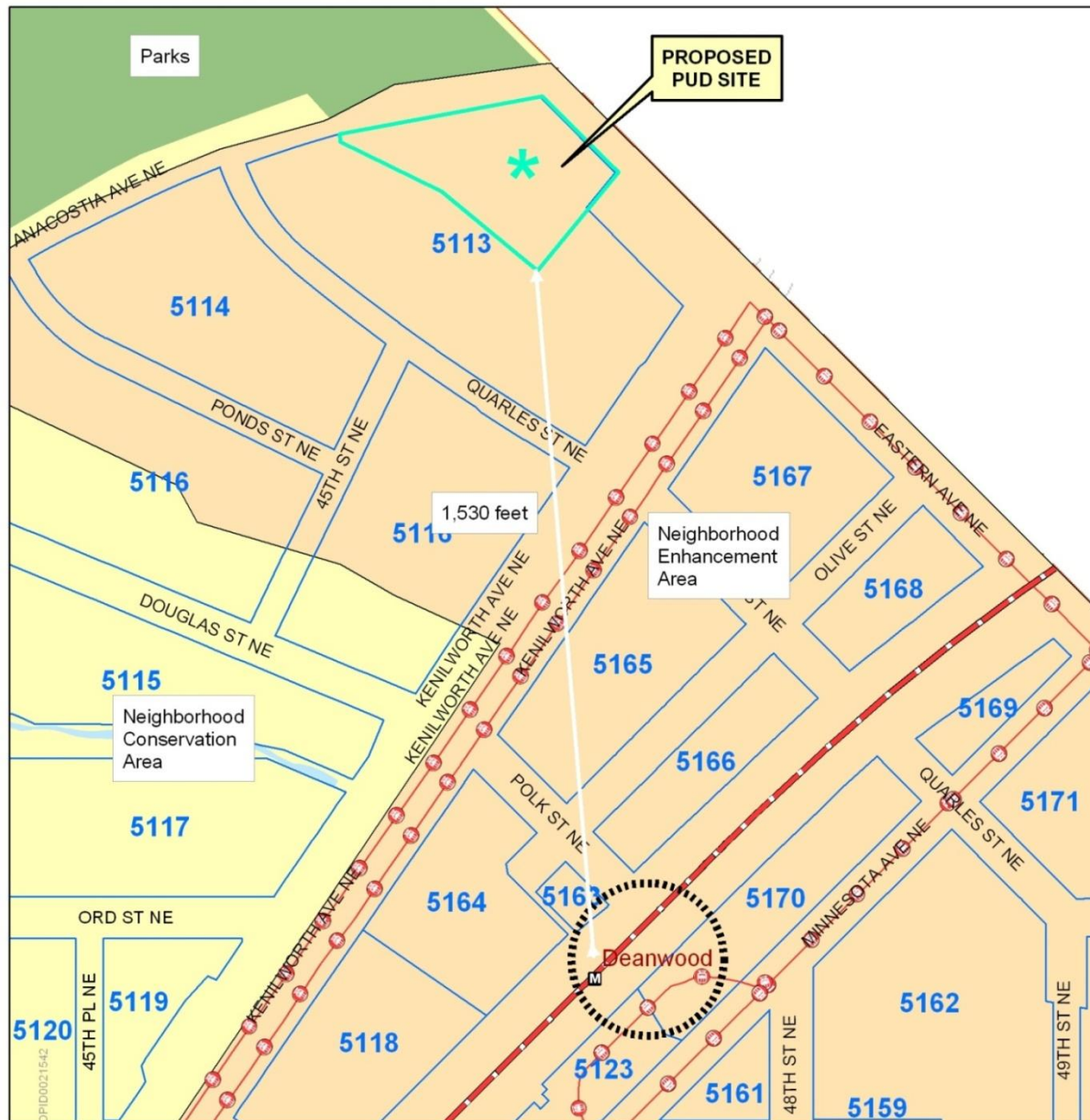


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Government of the  
District of Columbia  
Adrian M. Fenty, Mayor

Office of Planning ~ March 21, 2012

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# Zoning Commission Case No. 12-03 Vicinity Comprehensive Plan Policy Map Designations



## Legend

- M Metro Stations (Regional)
- Metro Lines
- Metro Bus Routes
- Zoning Districts
- Tax Lots
- Record Lots

## Selection from Policy Polygons

- Type
- Neighborhood Enhancement Areas
  - Water
  - Parks
  - Neighborhood Conservation Areas
  - Street Centerlines



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Office of Planning ~ March 21, 2012

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